IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5646 OF 2005

Nemgonda Narasgonda Patil & Ors. .. Petitioners.
Vs.
Sumati Chavgonda Patil & Ors. .. Respondents.

Mr.Uday P.Warunjikar for the petitioners.
Mr.S.M.Sabrad for respondent nos.1 and 2.

CORAM : D.B.BHOSALE, J.

DATED : 12TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioners and respondent nos.1 and 2.

2. The writ petition is directed against the order dated 5.7.2005 by which the petitioners' application under Order I Rule 10(2) of the Code of Civil Procedure has been rejected. By that application, the petitioners prayed for adding Circle Officer and the State of Maharashtra, through Collector as party defendants in the suit. The Circle office is in possession of the property as he has been appointed by the Tahsildar as a receiver in the proceedings under section 145 of the Code of Criminal Procedure. Keeping that in view the trial Court has rightly rejected the application filed by the

petitioners. In my opinion, they are neither necessary nor proper parties to the suit. The impugned order is just and proper and deserves no interference by this Court in its writ jurisdiction under Article 227 of the Constitution of India. The hearing of the suit is expedited. The writ petition is dismissed.

(D.B.Bhosale, J.)